

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v-

DEAN SHAH, HENRY CLARKE, JULIUS CSURGO,
and ANTEVORTA CAPITAL PARTNERS, LTD.,

Defendants.
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22-cv-3012 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:


The United States Securities and Exchange Commission (“SEC”) has filed a motion for disgorgement and civil penalties against Defendant Henry Clarke (“Defendant”) and submitted an affidavit and memorandum of law in support of that motion. Dkt. Nos. 36–37. Defendant has submitted a response, Dkt. No. 40, and the SEC has submitted a reply to that response, Dkt. No. 41.

The judgment provides that the Court may determine the amount of disgorgement and the appropriateness and size of a civil penalty on motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure and provides that in connection with such motion, the parties may take discovery, including discovery from appropriate non-parties. Dkt. No. 33 at 5. No party has requested discovery.

The Court is prepared to decide the motion without argument or a hearing. It is hereby ordered that should either party desire a hearing, the party shall submit a letter on ECF making such a request by no later than December 23, 2022. In the absence of any such request, the Court will proceed to decide the motion.

SO ORDERED.

Dated: December 13, 2022
New York, New York


LEWIS J. LIMAN
United States District Judge